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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Pascal Huyghe

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BAKER BOTTS L.L.P.

PATENT DEPARTMENT

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AUSTIN, TX 78701-4039

EXAMINER

AIRAPETIAN, MILA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/607,944	Applicant(s) HUYGHE ET AL.	
	Examiner MILA AIRAPETIAN	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-20 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-20, 22-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-15, 18, 20, 24, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suttle (US 6,996,450) in view of McGrath et al. (US 6,970,639).

Claim 1. Suttle teaches a method for processing photomasks comprising:

- electronically receiving product order information including data for the photomask component (col. 6, lines 60-64; customer generated pattern data (1) provided in an industry standard format);
- automatically translating the product order information into a product order information file having a standard database format (col. 7, line 15; col. 12, line 23);
- automatically processing the product order information file using a rules engine to apply a predefined set of customer requirements for processing the product order information file to the product order information file such that the product order information file is loaded into an order entry module (col. 5, lines 57-61);
- using the order entry module to automatically create a production data file for directing the production of the photomask component according to the validated product

order information file (manufacturing of photomasks in computer-controlled environment suggests this feature).

However, Suttle does not teach:

automatically selecting a template including customer specifications based on the predefined set of customer requirements; and

validating the product order information file by automatically comparing the product order information file to the template to identify any inconsistencies.

McGrath et al. (McGrath) teaches a method for editing source content to produce an edited content sequence comprising:

automatically selecting a template including customer specifications based on at least one criteria (col. 2, lines 2-14; col. 10, lines 50-52); and

validating the product order information file by automatically comparing the product order information file to the template to identify any inconsistencies (col. 11, lines 6-16; “determining whether any sections of the template have no portions of the source material associated with them” indicates a validating step).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suttle to include automatically selecting a template including customer specifications based on at least one criteria; and validating the product order information file by automatically comparing the product order information file to the template to identify any inconsistencies, as disclosed in McGrath, wherein said criteria is related to the manufacture of the photomask component, because it would advantageously allow to significantly reduce amount of time reviewing the source

content to get familiarized with the material to be edited, thereby improving the efficiency of the editing process, as specifically taught by McGrath (col. 1, lines 20-25).

Claim 5. McGrath teaches said method including manually selecting a template for a product order information file (col. 10, line 46; col. 11, lines 23-26).

The motivation to combine Suttile and McGrath would be to advantageously adjust the selected process based on available information.

Claim 6. McGrath teaches said method wherein said criteria is a product type/style (col. 2, line 5-6, 27-29).

Claim 7. Suttile teaches said method, wherein the product order information is in a semi-file based format (col. 6, line 63).

Claim 8. Suttile teaches said method, wherein the product order information file is in a non-semi-file based format ("*information may be provided on other custom formats*") indicates product order information in a non-semi-file based format (col. 6, line 64).

Claim 9. Suttile teaches said method, wherein the standard database format comprises a standard semi database format (col. 6, lines 63).

Claim 10. Suttile teaches said method, wherein the standard database format further comprises a customer specification information not included in the standard semi database format (col. 6, line 64).

Claim 11. Suttle teaches said method, further comprising translating the product order information into a standard file format (col. 5, line 60).

Claim 12. Suttle teaches said method, further comprising configuring the product order information in extensible markup language (XML) format according to an XML configuration (col. 5, line 60, col. 12, line 23).

Claim 13. Suttle teaches said method, wherein the XML configuration includes specification information (col. 5, line 60, col. 12, line 23).

Claim 14. Suttle teaches said method, wherein the production data file for the production of a photomask component includes lithography instructions and patterning information (col. 9, lines 51-54).

Claim 15. Suttle teaches said method including using the product order information file to select a customer-specified order template for use in preparing the production data file for the production of the photomask component (col. 57, lines 57-61; col. 12, line 23).

Claim 18. Suttle teaches said method, further comprising maintaining data necessary for production of the photomask component in the standard database format usable by a plurality of manufacturing sites (col. 11, lines 28).

Claim 20. Suttle teaches a method for processing photomasks comprising:

a computer-readable medium; and executable instructions encoded in the computer-readable medium, the executable instructions, operable to direct a computer

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to: electronically receive product order information including data for the photomask component (col. 5, lines 55-56);

automatically translate the product order information into a product order information file having a standard database format (col. 7, line 15, col. 12, line 23);

automatically process the product order information file using a rules engine to apply a predefined set of customer requirements for processing the product order information file to the product order information file such that the product order information file is loaded into an order entry module (col. 5, lines 57-61);

automatically create a production data file for the production of the photomask component according to the product order information file (col. 5, lines 62-65).

However, Suttile does not teach that said executable instructions operable to direct a computer to select a template including customer specifications based on at least one criteria; and

validate the product order information file by automatically comparing the product order information file to the template to identify at least one inconsistency.

McGrath et al. (McGrath) teaches a method for editing source content to produce an edited content sequence comprising:

automatically selecting a template including customer specifications based on at least one criteria (col. 2, lines 2-14; col. 10, lines 50-52); and

validating the product order information file by automatically comparing the product order information file to the template to identify any inconsistencies (col. 11, lines 6-16; “determining whether any sections of the template have no portions of the source material associated with them” indicates a validating step).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suttle to include automatically selecting a template including customer specifications based on at least one criteria; and validating the product order information file by automatically comparing the product order information file to the template to identify any inconsistencies, as disclosed in McGrath, wherein said criteria is related to the manufacture of the photomask component, because it would advantageously allow to significantly reduce amount of time reviewing the source content to get familiarized with the material to be edited, thereby improving the efficiency of the editing process, as specifically taught by McGrath (col. 1, lines 20-25).

Claim 24. Suttle teaches a method for processing photomasks comprising:
electronically receiving a product order information file (col. 5, lines 55-56);
automatically translating the product order information file into an XML file (col. 57, lines 57-61, col. 12, line 23);

automatically processing the XML file using a rules engine to apply a predefined set of customer requirements to the XML file such that the product order information file is loaded into an order entry module (col. 5, lines 57-61, col. 12, line 23);

using the order entry module to automatically create a production data file for directing the production of a photomask component according to the product order information (col. 5, lines 62-65).

However Suttle does not teach:

automatically selecting a template including customer specifications based on at least one criteria indicated in the product order information file; and

validating the product order information by automatically comparing the product order information to the template to identify any inconsistencies.

McGrath et al. (McGrath) teaches a method for editing source content to produce an edited content sequence comprising:

automatically selecting a template including customer specifications based on at least one criteria (col. 2, lines 2-14; col. 10, lines 50-52); and

validating the product order information file by automatically comparing the product order information file to the template to identify any inconsistencies (col. 11, lines 6-16; “determining whether any sections of the template have no portions of the source material associated with them” indicates a validating step).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suttle to include automatically selecting a template including customer specifications based on at least one criteria; and validating the product order information file by automatically comparing the product order information file to the template to identify any inconsistencies, as disclosed in McGrath, because it

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would advantageously allow to significantly reduce amount of time reviewing the source content to get familiarized with the material to be edited, thereby improving the efficiency of the editing process, as specifically taught by McGrath (col. 1, lines 20-25).

Claim 27 is rejected on the same rationale as set forth above in Claim 5.

Claim 28 is rejected on the same rationale as set forth above in Claim 14.

Claims 3, 4, 22, 23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Suttle and McGrath, as applied to claim 1, in view of Morscheck et al. (hereinafter Morscheck) (US 6,076,080).

Claim 3. The combination of Suttle and McGrath teaches all the limitations of claim 3 except based on the validation of the product order information file, notifying an operator of any identified inconsistencies.

Morscheck teaches a forms order system wherein the Sales Rep is notified if some of the information is missing (col. 41, lines 6-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suttle and McGrath to include notifying an operator of any identified inconsistencies, as disclosed in Morscheck, because it would advantageously allow to simultaneously control the process and thereby recognize possible problems.

Claim 4. The combination of Suttle and McGrath teaches all the limitations of claim 4 except that notification comprises an email notification.

Morscheck teaches a forms order system wherein notification comprises an email notification (col. 5, line 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suttle to include that notification comprises an email notification, as disclosed in Morscheck, because it would advantageously allow to notify recipients almost instantaneously thereby saving time.

Claim 22 is rejected on the same rationale as set forth above in Claim 3.

Claim 23. McGrath teaches said method including manually selecting a template for a product order information file (col. 10, line 46; col. 11, lines 23-26).

The motivation to combine Suttle, McGrath and Morscheck would be to advantageously adjust the selected process based on available information.

Claim 24. Suttle teaches a method for processing photomasks comprising:
electronically receiving a product order information file (col. 5, lines 55-56);
automatically translating the product order information file into an XML file (col. 7, line 15, col. 12, line 23);

automatically processing the XML file using a rules engine to apply a predefined set of customer requirements to the XML file such that the product order information file is loaded into an order entry module (col. 5, lines 57-61, col. 12, line 23);

using the order entry module to automatically create a production data file for directing the production of a photomask component according to the product order information file (col. 5, lines 62-65).

However Suttle does not teach:

automatically selecting a template including customer specifications based on at least one criteria indicated in the product order information file; and

validating the product order information file by automatically comparing the product order information to the template to identify any inconsistencies.

McGrath et al. (McGrath) teaches a method for editing source content to produce an edited content sequence comprising:

automatically selecting a template including customer specifications based on at least one criteria (col. 2, lines 2-14; col. 10, lines 50-52); and

validating the product order information file by automatically comparing the product order information file to the template to identify any inconsistencies (col. 11, lines 6-16; “determining whether any sections of the template have no portions of the source material associated with them” indicates a validating step).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suttle to include automatically selecting a template including customer specifications based on at least one criteria; and validating the product order information file by automatically comparing the product order information file to the template to identify any inconsistencies, as disclosed in McGrath, because it

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would advantageously allow to significantly reduce amount of time reviewing the source content to get familiarized with the material to be edited, thereby improving the efficiency of the editing process, as specifically taught by McGrath (col. 1, lines 20-25).

Claim 25 is rejected on the same rationale as set forth above in Claim 3.

Claim 26 is rejected on the same rationale as set forth above in Claim 4.

Claim 16, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suttle.

Claim 16. Suttle teaches said method, further comprising translating the product order information into a standard database format (col. 5, lines 58-61).

Suttle does not specifically teach that said *translating* step takes less than approximately one minute. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suttle to include that said *translating* step takes less than approximately one minute, because it would advantageously minimize customer order processing time, thereby providing convenience for the customer.

Claim 17. Suttle teaches said method, further comprising preparing the production data file for production of the photomask (col. 5, lines 57-64).

Suttle does not specifically teach that said preparation of production data file takes in less than approximately one hour. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suttle to include

that said preparation of production data file takes in less than approximately one hour, because it would advantageously minimize customer order processing time, thereby providing convenience for the customer.

Claim 19. Suttle teaches said method, further comprising the method having an order entry process (col. 12, line 2).

Suttle does not specifically teach that said order entry process has an error rate less than 0.5 percent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suttle to include that said order entry process has an error rate less than 0.5 percent, because it would advantageously minimize possible mistakes in processing of customer orders.

Response to Arguments

Applicant's arguments filed 09/23/2008 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.1992). In this case, both references

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are directed to data processing for a particular application. The motivation to combine the references would be to reduce amount of time reviewing the source content to get familiarized with the material to be edited, thereby improving the efficiency of the editing process.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. A./

/Jeffrey A. Smith/

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Supervisory Patent Examiner, Art
Unit 3625